

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 7, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear from the disclosure how the angular profile is joined in a positive-locking and non-positive-locking arrangement.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty (US 2,361,608).** Regarding claims 4 and 9, Doty discloses a angular joint of a window frame of a motor vehicle door comprising at least one continuously profile (14, Fig. 4), an angular profile, the at least one profile being joined to the angular profile (27,

Fig. 4) and an external paneling supported by the at least one profile and extending in the longitudinal direction of the at least one profile at least into a far corner of the angular profile (16, Fig. 4). Although, Doty does not disclose a continuously cast aluminum profile, it is well known in the art to use aluminum to be used as in fabricating a door frame. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have created Doty's invention with aluminum. The motivation for doing so would be to create a profile with high strength.

Regarding claim 8, Doty discloses an angular joint of a window frame of a motor vehicle door comprising an integrated component part including at least one aluminum profile, and an angular profile, and an external paneling supported by the at least one profile and extending in the longitudinal direction of the at least one profile at least into a far corner of the angular profile.

Regarding claims 5 and 10, Doty discloses wherein the at least one profile overlaps at least a part-region of the angular profile and is joined thereto in a positive-locking and non-positive-locking arrangement (16, Fig. 4).

Regarding claims 6, 7, 11, and 12, Doty discloses the external paneling (16) is integrated in the at least one profile and support extending (16) therefrom, but does not disclose it being a one-piece construction. However, it would have been an obvious matter of design choice to make the external paneling, the support and the at least one profile a one-piece construction, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

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Further, changes in size or shape without special functional significance are not patentable. *Research Corp.v. Nasco Industries, Inc.*, 501 F2d 358; 182 USPQ 449 (CA 7) cert. Denied 184 USPQ 193; 43 USLW 3359 (1974).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Tang whose telephone number is (571) 270-5223. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. T./

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Examiner, Art Unit 4136

/J. ALLEN SHRIVER II/

Supervisory Patent Examiner, Art Unit 3632